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Reflections on the international conference “Threatened Islands...”

Climate change poses an indisputable threat to the security, sustainability and survival of small island developing states (SIDS).

For the Marshall Islands, climate change is already posing a threat to our sustainable development, but it also poses long-term risks to the fundamental aspects of our statehood. Considerations of intergenerational equity carry a moral and legal duty to minimize those risks, and to address them going forward, taking into account the need to ensure the continuity of traditional cultures and communities, and respecting unique connections to the land and natural resources.

Columbia University's Earth Institute estimates that climate change will produce average sea level rise of at least one, perhaps two, meters by 2100, with Pacific island states, including the Marshall Islands, likely to experience higher-than-average increases. Ocean acidification levels will threaten, if not halt, growth of corals, a particular concern for coral atoll nations. These are potent and existential threats to life in the Marshall Islands.

Priority on Immediate Action

Immediate action is essential to curb these threats. Urgent and dramatic cuts in global emissions are required, and all countries must play their part. Those historically responsible must take the lead, but large and rapidly emerging developing countries need to curb their emissions trajectories and decouple growth from carbon. Only with ambitious leadership from the world's largest emitters can the world avoid the most dangerous of climate change's impacts.

At the same time, national adaptation efforts must be stepped up - they are currently inadequate to stave off the worst effects. Even as capacity is enhanced, efforts need to be sharply upscaled, and linked to a presently-jumbled range of international finance options.

Long-term Risks

We must do more than call attention to the more serious longer-term risks. These risks are confronting, but must be tackled head on.

First, the long-term risks and possible responses must be factored into

adaptation strategies, not only over the next decade, but looking forward to the end of the century. Traditional adaptation measures could ultimately be limited in their ability to address the range of future impacts and risks. Donor and externally-funded projects, in particular infrastructure, must be locally driven and climate-proofed. Further scientific work and data collection should inform both vulnerability assessment and national planning. Deep and complex challenges may be posed to our Marshallese communities, and we must rise to the challenges building on our traditional cultures and traditions.

Second, and despite the best of adaptation efforts, the intensifying impacts of climate change are likely to drive **significant population displacement**. For the Marshall Islands, where population displacement may be both internal and external, the international system is largely unprepared. Criteria for drawing distinctions between climate-driven displacement and broader socio-environmental factors would be useful, but difficult to define.

A new international agreement is one way to address the new phenomenon of climate displacement, but would take time to initiate and conclude, particularly given national sensitivities around international migration. Regional and bilateral engagement might prove more fruitful in the short term, particularly if focused on matching likely source and destination states. These discussions must canvass a range of difficult issues and interlinkages, including statehood, citizenship, dignity, culture and human security. There are clear human rights implications and social costs which have not yet been fully acknowledged. This is the human face of the climate crisis.

Third, climate-driven **threats to statehood** may emerge gradually, but cannot be ignored. The criteria for statehood are not static, nor inflexible. In all circumstances, equity and moral responsibility demands that the sovereign entity and its related characteristics must be maintained, even in the absence of permanently habitable territory. Recognition of a state cannot be compromised by a phenomenon caused by others. Our sovereign destiny must be our own.

Fourth, maintenance of the state also implies maintenance of all that comes with it. This includes **sovereign rights relating to the natural resources, maritime zones and jurisdictional rights and obligations** that attach to the state. Maritime rights may be secured for the long term through proactive submission of maritime zone baselines, and a common understanding of their treatment by States Parties to the UN Convention on the Law of the Sea.

Finally, we need to clarify **legal responsibility for the harm** caused by the impact of climate change. Without immediate action to address dangerous climate change, obligations of due diligence to prevent harm to other countries

and areas beyond national jurisdiction will be breached, if they have not been already. It is a basic principle of law that where there is a wrong, there must be a remedy. While some further and collaborative analysis is required, possible avenues for international legal action will need to be considered. As a first step, advisory opinions may help to clarify the relevant legal principles and relevant thresholds of harm. But any such moves should not be considered lightly, and must be pursued on its merits.

Way Forward

This conference has been a unique and creative exchange on complex issues. The focused engagement of the international academic community has been valuable in exploring innovative avenues for addressing these challenges, and to assist us in our efforts to craft and refine a menu of legal and political options to address the long-term risks. This collaborative process should continue and intensify. The international community has only started to scratch the surface on these deep and complex issues, and no doubt new issues will emerge.

The Marshall Islands is determined to take hold and define its own future, leveraging the leadership and solidarity of our small island state colleagues and the broader international community.

To take these issues forward, President Zedkaia has proposed a Ministerial meeting of a new grouping in the margins of the UN General Assembly this September – the Forum of Atoll Nations. . To prepare, we will first consult with our closest neighbors in the Micronesia region and other atoll island countries, and seek the input of our partners in the Pacific region and beyond. In that regard, the Marshall Islands calls on the Alliance of Small Island States (AOSIS) to engage with these issues pragmatically and wholeheartedly. We need, and expect, solidarity from our peers, and we will continue to demonstrate leadership and flexibility in pursuing these discussions. We need to work together if we are to confront and overcome the most difficult challenge of all – the threat to the survival of our nations.